

REMARKS/ARGUMENTS

This Amendment and Response to the Office Action is submitted in response to the Office Action mailed November 8, 2004. Claims 1-13, 15-24, and 26-35 are pending in the above-referenced application. In the Office Action, the Examiner rejected claims 1-9, 11, 12, 15-20, 22, 23, 26-29, 31, and 32 under 35 U.S.C. § 102(b) in view of Cherry (U.S. Patent No. 6,022,044). The Examiner also rejected claims 1-4, 6-9, 11, 12, 15, 17-20, 22, 23, 26, 28, 29, 31, 32, 34, and 35 under 35 U.S.C. § 102(e) in view of Masuda, et al. (U.S. Patent No. 6,199,898). Additionally, the Examiner also rejected claims 10, 13, 21, 24, 30, and 33 under 35 U.S.C. § 103(a) over Cherry in view of Bakhsh, et al. (U.S. Patent No. 6,565,118).

In view of the following remarks, immediate allowance of claims 1-13, 15-24, and 26-35 is respectfully requested.

REJECTION OF CLAIMS 1-5, 12, AND 18-20 UNDER 35 U.S.C. §102(b) BY CHERRY AND §102(e) BY MATSUDA

In the Office Action, the Examiner rejected claims 1-9, 11, 12, 15-20, 22, 23, 26-29, 31, and 32 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,022,044 issued to Cherry (hereinafter "Cherry"). The Examiner also rejected claims 1-4, 6-9, 11, 12, 15, 17-20, 22, 23, 26, 28, 29, 31, 32, 34, and 35 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,199,898 issued to Matsuda, et al. (hereinafter "Matsuda"). These rejections are respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Independent claims 1, 15, and 26 provide “the first stiffening element is a **stay**.” Claims 2-14, 34, and 35 depend from claim 1 and thus, include this element of amended claim 1. Claims 16-24 depend from claim 15 and thus, also include this element of amended claim 15. Similarly, claims 27-33 depend from claim 26 and thus, include this element of amended claim 26.

A “stay” is defined in *Merriam-Webster’s Collegiate Dictionary* (11th ed. 2003) as “a firm thin strip (as of plastic) used for stiffening a garment or part (as a shirt collar).” This feature is fully disclosed in the specification. For example, the specification states that “In Figure 1, the first stiffening element 94 and second stiffening element 100 are plastic stays stitched to the inflatable curtain 10.” Page 12, lines 6-7.

Neither Cherry nor Matsuda disclose or teach a “stay.” The Examiner asserted that Cherry discloses a first stiffening element 22 and a second stiffening element 66. However, neither the fill tube 22 nor the portion 66 of Cherry are a stay. The fill tube 22 and the portion 66 are not a “firm thin strip used for stiffening a part” of an inflatable curtain. Therefore, Cherry does not disclose, teach, or suggest each and every element of claims 1-9, 11, 12, 15, 17, 19, 20, 22, 23, 26, 28, 29, 31, 32, 34, and 35 and those claims are not anticipated by Cherry.

The Examiner also asserted that Matsuda discloses a first stiffening element 20. However, the cylindrical member 20 of Matsuda is not a firm thin strip used for stiffening a part of an inflatable curtain. The cylindrical member 20 of Matsuda is a fill tube used to fill the inflatable curtain. Therefore, Matsuda does not disclose, teach, or suggest each and every element of claims 1-9, 11, 12, 15, 17, 19, 20, 22, 23, 26, 28, 29, 31, 32, 34, and 35. Thus, Cherry and Matsuda do not anticipate claims 11-9, 11, 12, 15, 17, 19, 20, 22, 23, 26, 28, 29, 31, 32, 34, and 35 and withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIMS 10, 13, 21, 24, 30, AND 33 UNDER 35 U.S.C. §103(a) BY CHERRY IN VIEW OF BAKHSH

The Examiner rejected claims 10, 13, 21, 24, 30, and 33 under 35 U.S.C. §103(a) as being unpatentable over Cherry in view of U.S. Patent No. 6,565,118 to Bakhsh, et al. (hereinafter “Bakhsh”). To establish *prima facie* obviousness of a claimed invention, all the claim elements must be taught or suggested by the prior art. *MPEP* §2143.03. Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness.


Claims 10 and 13 depend from claim 1 and therefore contain the elements of claim 1. Claims 21 and 24 depend from claim 15 and thus, include this element of amended claim 15. Claims 30 and 33 depend from claim 26 and thus, include this element of amended claim 26.

As noted above, Cherry does not disclose, teach, or suggest each and every element of amended claims 1, 15, and 26. Specifically, Cherry does not teach the element of a "stay." Consequently, Cherry does not disclose, teach, or suggest all the elements of claims 10, 13, 21, 24, 30, and 33.

Bakhsh does not make up for the deficiencies of Cherry. The Examiner noted that Bakhsh discloses a stiffening element 22 made of plastic. However, the fill tube 22 of Bakhsh is not a stay. Specifically, the fill tube 22 of Bakhsh is not a firm thin strip used for stiffening a part of an inflatable curtain. Therefore, Bakhsh fails to disclose, suggest, or teach all the elements of claims 10, 13, 21, 24, 30, and 33. Thus, a *prima facie* case of obviousness has not been established and claims 10, 13, 21, 24, 30, and 33 are patentable over Cherry in view of Bakhsh. Withdrawal of this rejection is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


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